OIPE IAP44
OCT 04 2006
PATENT & TRADEMARK OFFICE

EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2621
PATENT
Attorney Docket No. 09812.0160-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Tadashi EZAKI	Group Art Unit: 2621
Application No.: 09/841,845	Examiner: Jamie J. Vent
Filed: April 25, 2001	
For: METHOD AND APPARATUS FOR TRANSMITTING A SIGNAL, METHOD AND APPARATUS FOR RECEIVING A SIGNAL, VBI SIGNAL GENERATING APPARATUS, VIDEO SIGNAL TRANSMITTING APPARATUS, VIDEO SIGNAL PROCESSING APPARATUS, VIDEO SIGNAL RECEIVING APPARATUS, DECODING APPARATUS, AND RECORDING MEDIUM FOR RECORDING A VIDEO SIGNAL	Confirmation No.: 5834
	Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests a pre-appeal brief review of the rejections in the final Office Action mailed on July 31, 2006. This Request is being filed concurrently with a Notice of Appeal, in accordance with the Official Gazette Notice of July 12, 2005.

Claims 1-45 remain pending and the subject of this Pre-Appeal Brief request for review. In the final Office Action, the Examiner rejected claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,822,425 to Ezaki et al. ("Ezaki")

in view of U.S. Patent No. 5,710,771 to Ueno ("Ueno"). The Examiner, however, has not identified how Ueno relates to any of claims 2-45, including independent claims 9, 17, 25, and 33-39.

The Examiner's rejection contains clear errors and omits essential elements necessary to establish a prima facie case of obviousness.

Claim 1, for example, recites:

> A signal transmission method for transmitting a signal including main information and various types of additional information added to said main information, comprising the steps of:
> detecting the type of additional information to be added;
> selecting a parameter associated with an error check code based on the detected type of the additional information;
> generating an error check code on the basis of said selected parameter; and
> inserting the additional information with said error check code into main information and transmitting a resultant signal.

Ezaki and Ueno, either taken alone or in combination, fail to teach or suggest "selecting a parameter associated with an error check code based on the detected type of the additional information," as recited by claim 1 (emphasis added). The Examiner alleges: "Ezaki discloses in Column 5 Lines 50+ the generating [of] an error check code on the basis of [a] selected parameter wherein the error check provides proper transmission of the signal." Office Action at p. 2. However, the Examiner concedes that Ezaki "fails to disclose [a] parameter associated with an error check code depending upon the type of the additional information." Id. at 3. Thus, the Examiner concedes on page 3 of the Office Action that Ezaki fails to teach or suggest the claimed "selecting" because simply disclosing "time information" does not teach or suggest using the type of additional information. Accordingly, the rejection contains clear errors.

Neither col. 5 nor any other portion of Ezaki teaches or suggests the claimed "selecting a parameter associated with an error check code based on the detected type of the additional information," as recited by claim 1. The Examiner appears to assert that Ezaki's "type code" representing time information (Ezaki, col. 5, lines 54-56) and Ezaki's decoder that allegedly "detects the time of additional information" (Office Action at 3) constitute the claimed "detecting the type of additional information." Even assuming that a time is a "type of additional information," Ezaki does not use the time to select "a parameter associated with an error check code based on the" time.

Moreover, Ezaki does not teach or suggest "generating an error check code on the basis of said selected parameter," as recited by claim 1 (emphasis added). The Examiner appears to assert that Ezaki's "check sum for detecting an error of the XDS data sequence" (Ezaki, col. 5, lines 63-65) constitutes the claimed "error check code." Ezaki, however, does not generate the "check sum" on the basis of any parameter, let alone "a parameter associated with an error check code," as recited by claim 1.

Ueno fails to cure these deficiencies. The Examiner asserts: "Ueno discloses a multichannel communication system wherein main information and additional information is detected through error codes. The error codes are associated with the additional information." Id. at 3. The relied-upon portions of Ueno, however, merely disclose transmitting signals including additional information and error-correcting codes. Ueno, col. 1: 20-40. Ueno is completely silent with respect to selecting parameters, let alone "selecting a parameter associated with an error check code," as recited by claim 1.

Furthermore, Ueno only discloses adding the error-correcting codes to transmitted signals to prevent information errors, which does not constitute a teaching or suggestion of "selecting a parameter associated with an error check code based on the detected type of the additional information," as recited by claim 1 (emphasis added).

Accordingly, the Examiner's rejection of claim 1 contains clear errors and omits essential elements. Independent claims 9, 17, 25, and 33-39, although of different scope, recite elements similar to those recited by claim 1. Claims 2-8, 10-16, 18-24, and 26-32 depend from independent claims 1, 9, 17, and 25. Accordingly, claims 1-45 are allowable.

Furthermore, Ezaki and Ueno, taken alone or in combination, fail to disclose an apparatus "wherein [the] error check code generator switches a parameter used in generation of the error check code based on the type of the additional information" (emphasis added), as recited by independent claim 33. The Examiner relies on col. 13: 1-31 of Ezaki for allegedly teaching this element. Office Action at 9. The cited portion of Ezaki discloses: "gate pulse generating circuit 89 receives the horizontal synchronous signal HD . . . and generates a gate pulse" that ultimately leads to the insertion of the XDS data sequence with an appended check sum. Ezaki, col. 13: 7-9. Ezaki, however, fails to disclose gate pulse generating circuit 89 switching to receive other signals. Thus, Ezaki fails to teach the claimed "error check code generator [which] switches a parameter," as recited by independent claim 33. Moreover, Ezaki fails to teach the claimed "error check code generator [which] switches a parameter ... based on the type of additional information," as recited by independent claim 33. Ueno

fails to cure these additional deficiencies of Ezaki, nor does the Examiner rely on Ueno for these teachings.

Independent claims 34-38, although of different scope, recite elements similar to independent claim 33. Therefore, for at least these additional reasons, claims 33-38 are allowable over Ezaki and Ueno.

In view of the foregoing remarks, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-45 under 35 U.S.C. § 103(a).

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 4, 2006

By: _____
Nathan A. Sloan
Reg. No. 56,249